

**UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD**

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August 1, 2005

Mr. Steven Jackson  
7949 Coronado Island Street  
Las Vegas, NV 89139

Re: Desert Toyota-Scion of Las Vegas  
Case 28-RD-938

Dear Mr. Jackson:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered. As a result of the investigation, I find that further proceedings are unwarranted.

The investigation disclosed that the International Association of Machinists and Aerospace Workers, Local Lodge 845 (herein called the Union) has filed, and the Regional Office has prosecuted numerous unfair labor practice charges against the Employer, alleging violations of Sections 8(a)(1), (3), (4), and (5) of the Act. More specifically, an Administrative Law Judge has found that the Employer violated the Act, by among other actions, refusing to bargain with the Union, threatening, discharging and otherwise discriminating against employees due to their union activities, and unilaterally making changes in the terms and conditions of bargaining unit employees. These cases are currently pending before the National Labor Relations Board. Section 11733 of the Casehandling Manual provides that for the purpose of determining whether a petition should be dismissed, the Regional Director shall accept as true those allegations set forth in the complaint. Thus, it must be concluded that the unfair labor practices committed by the Employer contributed to whatever disaffection with the Union exists among its bargaining unit employees. In these circumstances a question concerning representation cannot be raised at this time. Accordingly, I am dismissing the petition in this matter.

Pursuant to the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action by filing a request therefore with the National Labor Relations Board, Washington, D.C. 20570. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned. This request for review must contain a complete statement setting forth the facts and reasons on which it is based. The request for

review (eight copies) must be received by the Executive Secretary of the Board by close of business (14 days from date of letter, month-day-year). Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. A request for extension of time should be submitted to the Executive Secretary in Washington, and a copy of any such request for extension of time should be submitted to this Office and to each of the other parties to this proceeding.

The request for review and any request for extension of time must include a statement that a copy has been served on this Office and on each of the other parties to this proceeding in the same or a faster manner as that utilized in filing the request with the Board.

Very truly yours,

Cornele A. Overstreet  
Regional Director

Enclosure: Form NLRB-4916

cc: Desert Toyota-Scion of Las Vegas  
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CAO/CLC/slm